

Senate Bill No. 416

CHAPTER 538

An act to amend Sections 35186, 39820, 41422, 46392, 47634.4, 52240, 52242, 52386, 52920, and 52922 of, to repeal Sections 37611.5, 41301.5, 45023.1, 45023.4, 52241, 52243, 52384, 52387, 52388, 52389, 52391, 52921, and 60118 of, to repeal Article 9 (commencing with Section 1780) of Chapter 6 of Part 2 of Division 1 of Title 1 of, to repeal Article 10 (commencing with Section 1790) of Chapter 6 of Part 2 of Division 1 of Title 1 of, to repeal Article 4 (commencing with Section 8080) of Chapter 1 of Part 6 of Division 1 of Title 1 of, to repeal Chapter 5.1 (commencing with Section 8820) of Part 6 of Division 1 of Title 1 of, to repeal Chapter 9 (commencing with Section 8980) of Part 6 of Division 1 of Title 1 of, to repeal Part 10.7 (commencing with Section 17910) of Division 1 of Title 1 of, to repeal Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of, to repeal Article 10.4 (commencing with Section 35294.10) of Chapter 2 of Part 21 of Division 3 of Title 2 of, to repeal Article 4 (commencing with Section 37252) of Chapter 2 of Part 22 of Division 3 of Title 2 of, to repeal Chapter 12 (commencing with Section 43001.5) of Part 24 of Division 3 of Title 2 of, to repeal Article 7 (commencing with Section 44570) of Chapter 3 of Part 25 of Division 3 of Title 2 of, to repeal Chapter 3.25 (commencing with Section 44695) of Part 25 of Division 3 of Title 2 of, to repeal Chapter 3.34 (commencing with Section 44730) of Part 25 of Division 3 of Title 2 of, to repeal Chapter 3.8 (commencing with Section 44740) of Part 25 of Division 3 of Title 2 of, to repeal Chapter 3.5 (commencing with Section 44760) of Part 25 of Division 3 of Title 2 of, to repeal Article 15 (commencing with Section 51870) of Chapter 5 of Part 28 of Division 4 of Title 2 of, to repeal Article 1 (commencing with Section 52130) of Chapter 7 of Part 28 of Division 4 of Title 2 of, to repeal Article 2 (commencing with Section 52340) of Chapter 9 of Part 28 of Division 4 of Title 2 of, to repeal Article 3 (commencing with Section 52350) of Chapter 9 of Part 28 of Division 4 of Title 2 of, to repeal Article 9 (commencing with Section 52485) of Chapter 9 of Part 28 of Division 4 of Title 2 of, to repeal Chapter 17 (commencing with Section 53080) of Part 28 of Division 4 of Title 2 of, to repeal Chapter 3 (commencing with Section 54300) of Part 29 of Division 4 of Title 2 of, and to repeal Chapter 3.1 (commencing with Section 58520) of Part 31 of Division 4 of Title 2 of, the Education Code, relating to public schools.

[Approved by Governor October 6, 2015. Filed with
Secretary of State October 6, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 416, Huff. Public schools: elementary and secondary education.

Existing law establishes a system of public elementary and secondary education in this state, and authorizes local educational agencies throughout the state to provide instruction to pupils.

This bill would revise and recast various provisions relating to elementary and secondary education, including, among others, repealing specified funding programs, revising the uniform complaint process, removing specified prohibitions on which funding programs a charter school can apply to, and expanding the financial assistance a school district can provide to pupils taking advanced placement and International Baccalaureate Diploma Program examinations and tests.

The people of the State of California do enact as follows:

SECTION 1. Article 9 (commencing with Section 1780) of Chapter 6 of Part 2 of Division 1 of Title 1 of the Education Code is repealed.

SEC. 2. Article 10 (commencing with Section 1790) of Chapter 6 of Part 2 of Division 1 of Title 1 of the Education Code is repealed.

SEC. 3. Article 4 (commencing with Section 8080) of Chapter 1 of Part 6 of Division 1 of Title 1 of the Education Code is repealed.

SEC. 4. Chapter 5.1 (commencing with Section 8820) of Part 6 of Division 1 of Title 1 of the Education Code is repealed.

SEC. 5. Chapter 9 (commencing with Section 8980) of Part 6 of Division 1 of Title 1 of the Education Code is repealed.

SEC. 6. Part 10.7 (commencing with Section 17910) of Division 1 of Title 1 of the Education Code is repealed.

SEC. 7. Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code is repealed.

SEC. 8. Section 35186 of the Education Code is amended to read:

35186. (a) A school district shall use the uniform complaint process it has adopted as required by Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations, with modifications, as necessary, to help identify and resolve any deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment.

(1) A complaint may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If Section 48985 is otherwise applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed. All complaints and responses are public records.

(2) The complaint form shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as he or she wishes.

(3) A complaint shall be filed with the principal of the school or his or her designee. A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner but not to exceed 10 working days to the appropriate school district official for resolution.

(b) The principal or the designee of the district superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority. The principal or designee of the district superintendent shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received. The principal or designee of the district superintendent shall report to the complainant the resolution of the complaint within 45 working days of the initial filing. If the principal makes this report, the principal shall also report the same information in the same timeframe to the designee of the district superintendent.

(c) A complainant not satisfied with the resolution of the principal or the designee of the district superintendent has the right to describe the complaint to the governing board of the school district at a regularly scheduled hearing of the governing board of the school district. As to complaints involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of Section 17592.72, a complainant who is not satisfied with the resolution proffered by the principal or the designee of the district superintendent has the right to file an appeal to the Superintendent, who shall provide a written report to the state board describing the basis for the complaint and, as appropriate, a proposed remedy for the issue described in the complaint.

(d) A school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. The complaints and written responses shall be available as public records.

(e) The procedure required pursuant to this section is intended to address all of the following:

(1) A complaint related to instructional materials as follows:

(A) A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state-adopted or district-adopted textbooks or other required instructional material to use in class.

(B) A pupil does not have access to instructional materials to use at home or after school.

(C) Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

(2) A complaint related to teacher vacancy or misassignment as follows:

(A) A semester begins and a teacher vacancy exists.

(B) A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent of English learner

pupils in the class. This subparagraph does not relieve a school district from complying with state or federal law regarding teachers of English learners.

(C) A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

(3) A complaint related to the condition of facilities that pose an emergency or urgent threat to the health or safety of pupils or staff as defined in paragraph (1) of subdivision (c) of Section 17592.72 and any other emergency conditions the school district determines appropriate and the requirements established pursuant to subdivision (a) of Section 35292.5.

(f) In order to identify appropriate subjects of complaint, a notice shall be posted in each classroom in each school in the school district notifying parents, guardians, pupils, and teachers of the following:

(1) There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.

(2) School facilities must be clean, safe, and maintained in good repair.

(3) There should be no teacher vacancies or misassignments as defined in paragraphs (2) and (3) of subdivision (h).

(4) The location at which to obtain a form to file a complaint in case of a shortage. Posting a notice downloadable from the Internet Web site of the department shall satisfy this requirement.

(g) A local educational agency shall establish local policies and procedures, post notices, and implement this section.

(h) For purposes of this section, the following definitions apply:

(1) “Good repair” has the same meaning as specified in subdivision (d) of Section 17002.

(2) “Misassignment” means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

(3) “Teacher vacancy” means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

SEC. 9. Article 10.4 (commencing with Section 35294.10) of Chapter 2 of Part 21 of Division 3 of Title 2 of the Education Code is repealed.

SEC. 10. Article 4 (commencing with Section 37252) of Chapter 2 of Part 22 of Division 3 of Title 2 of the Education Code is repealed.

SEC. 11. Section 37611.5 of the Education Code is repealed.

SEC. 12. Section 39820 of the Education Code is amended to read:

39820. Notwithstanding any other law, the governing board of a school district may provide for the transportation to and from public school of pupils who have attained the age of three years and nine months and are enrolled in classes established pursuant to Chapter 4.45 (commencing with

Section 56440) of Part 30 of Division 4 whenever in the judgment of the governing board of a school district, transportation is advisable and good reasons exist. A governing board of a school district may allow for the transportation of parents of pupils enrolled in these classes for the purpose of accompanying their children to and from the attendance center offering the early primary classes.

SEC. 13. Section 41301.5 of the Education Code is repealed.

SEC. 14. Section 41422 of the Education Code is amended to read:

41422. (a) A school district, county office of education, or charter school that is prevented from maintaining its schools during a fiscal year for at least 175 days or is required to operate sessions of shorter length than otherwise prescribed by law because of fire, flood, earthquake, or epidemic, or because of any order of any military officer of the United States or of the state to meet an emergency created by war, or of any civil officer of the United States, of the state, or of any county, city and county, or city authorized to issue that order to meet an emergency created by war, or because of other extraordinary conditions, or because of inability to secure or hold a teacher, or because of the illness of the teacher, which fact shall be shown to the satisfaction of the Superintendent by the affidavits of the members of the governing board of the school district, the governing board of the county office of education, or the governing board of the charter school and of the county superintendent of schools, shall receive the same apportionment from the State School Fund as it would have received had it not been so prevented from maintaining school for at least 175 full-length days.

(b) This section shall also apply to school districts county offices of education, or charter schools that, in the absence of one or more of the conditions prescribed by this section, would have qualified for funds pursuant to Sections 46200 to 46208, inclusive, or Section 47612.5, as applicable.

SEC. 15. Chapter 12 (commencing with Section 43001.5) of Part 24 of Division 3 of Title 2 of the Education Code is repealed.

SEC. 16. Article 7 (commencing with Section 44570) of Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code is repealed.

SEC. 17. Chapter 3.25 (commencing with Section 44695) of Part 25 of Division 3 of Title 2 of the Education Code is repealed.

SEC. 18. Chapter 3.34 (commencing with Section 44730) of Part 25 of Division 3 of Title 2 of the Education Code is repealed.

SEC. 19. Chapter 3.8 (commencing with Section 44740) of Part 25 of Division 3 of Title 2 of the Education Code is repealed.

SEC. 20. Chapter 3.5 (commencing with Section 44760) of Part 25 of Division 3 of Title 2 of the Education Code is repealed.

SEC. 21. Section 45023.1 of the Education Code is repealed.

SEC. 22. Section 45023.4 of the Education Code is repealed.

SEC. 23. Section 46392 of the Education Code is amended to read:

46392. (a) If the average daily attendance of a school district, county office of education, or charter school during a fiscal year has been materially decreased during a fiscal year because of any of the following, the fact shall

be established to the satisfaction of the Superintendent by affidavits of the members of the governing board of the school district, county office of education, or charter school and the county superintendent of schools:

- (1) Fire.
- (2) Flood.
- (3) Impassable roads.
- (4) Epidemic.
- (5) Earthquake.
- (6) The imminence of a major safety hazard as determined by the local law enforcement agency.
- (7) A strike involving transportation services to pupils provided by a nonschool entity.

(8) An order provided for in Section 41422.

(b) In the event a state of emergency is declared by the Governor in a county, a decrease in average daily attendance in the county below the approximate total average daily attendance that would have been credited to a school district, county office of education, or charter school had the state of emergency not occurred shall be deemed material. The Superintendent shall determine the length of the period during which average daily attendance has been reduced by the state of emergency. This period that is determined by the Superintendent shall not extend into the next fiscal year following the declaration of the state of emergency by the Governor, except upon a showing by a school district, county office of education, or charter school, to the satisfaction of the Superintendent, that extending the period into the next fiscal year is essential to alleviate continued reductions in average daily attendance attributable to the state of emergency.

(c) The average daily attendance of the district, county office of education, or charter school for the fiscal year shall be estimated by the Superintendent in a manner that credits to the school district, county office of education, or charter school for determining the apportionments to be made to the school district, county office of education, or charter school from the State School Fund approximately the total average daily attendance that would have been credited to the school district, county office of education, or charter school had the emergency not occurred or had the order not been issued.

(d) This section applies to any average daily attendance that occurs during any part of a school year.

SEC. 24. Section 47634.4 of the Education Code is amended to read:

47634.4. (a) A charter school that elects to receive its funding directly, pursuant to Section 47651, may apply individually for federal and state categorical programs, not excluded in this section, but only to the extent it is eligible for funding and meets the provisions of the program. For purposes of determining eligibility for, and allocation of, state or federal categorical aid, a charter school that applies individually shall be deemed to be a school district, except as otherwise provided in this chapter.

(b) A charter school that does not elect to receive its funding directly, pursuant to Section 47651, may apply, in cooperation with its chartering

authority, for federal and state categorical programs not specified in this section, but only to the extent it is eligible for funding and meets the provisions of the program.

(c) Notwithstanding any other law, a charter school shall not apply directly for categorical programs for which services are exclusively or almost exclusively provided by a county office of education.

(d) Consistent with subdivision (c), a charter school shall not receive direct funding for any of the following county-administered categorical programs:

- (1) American Indian Education Centers.
- (2) County Office Fiscal Crisis and Management Assistance Team.
- (3) The K–12 High Speed Network.

(e) A charter school may apply separately for district-level or school-level grants associated with any of the categorical programs specified in subdivision (d).

SEC. 25. Article 15 (commencing with Section 51870) of Chapter 5 of Part 28 of Division 4 of Title 2 of the Education Code is repealed.

SEC. 26. Article 1 (commencing with Section 52130) of Chapter 7 of Part 28 of Division 4 of Title 2 of the Education Code is repealed.

SEC. 27. Section 52240 of the Education Code is amended to read:

52240. (a) The Legislature hereby finds and declares all of the following:

(1) Advanced placement courses, for which school credit is awarded, provide rigorous academic coursework opportunities for high school pupils and help to improve the overall curriculum at schools where those courses are provided.

(2) The successful completion of advanced placement courses and the subsequent advanced placement examinations, which are conducted by the College Entrance Examination Board and for which college credit is awarded, provide a cost-effective means for high school pupils to obtain college-level coursework experience.

(3) To the extent economically disadvantaged pupils are provided financial assistance to take advanced placement examinations, they will be provided with successful college-level experience and be encouraged to pursue postsecondary education opportunities.

(b) The Superintendent shall annually update the information on advanced placement available on the department's Internet Web site to include current information on the various means available to school districts to offer or access advanced placement courses, including online courses. The Superintendent shall annually communicate with high schools that offer advanced placement courses in fewer than five subjects, and inform them of the various options for making advanced placement courses and other rigorous courses available to pupils who may benefit from them.

SEC. 28. Section 52241 of the Education Code is repealed.

SEC. 29. Section 52242 of the Education Code is amended to read:

52242. A school district may help pay for all or part of the costs of one or more advanced placement examinations that are charged to economically disadvantaged pupils.

SEC. 30. Section 52243 of the Education Code is repealed.

SEC. 31. Article 2 (commencing with Section 52340) of Chapter 9 of Part 28 of Division 4 of Title 2 of the Education Code is repealed.

SEC. 32. Article 3 (commencing with Section 52350) of Chapter 9 of Part 28 of Division 4 of Title 2 of the Education Code is repealed.

SEC. 33. Section 52384 of the Education Code is repealed.

SEC. 34. Section 52386 of the Education Code is amended to read:

52386. The governing board of a school district may contract with and receive and expend funds from any other public or private agency, foundation, or corporation for the purposes of this article. The governing board of a school district may cooperate with public and private institutions of higher education in conducting programs pursuant to this article.

SEC. 35. Section 52387 of the Education Code is repealed.

SEC. 36. Section 52388 of the Education Code is repealed.

SEC. 37. Section 52389 of the Education Code is repealed.

SEC. 38. Section 52391 of the Education Code is repealed.

SEC. 39. Article 9 (commencing with Section 52485) of Chapter 9 of Part 28 of Division 4 of Title 2 of the Education Code is repealed.

SEC. 40. Section 52920 of the Education Code is amended to read:

52920. (a) The Legislature hereby finds and declares that the International Baccalaureate Diploma Program is a comprehensive and rigorous two-year curriculum, leading to examinations for high school pupils. Its objectives are to provide pupils with a balanced education, to facilitate geographic and cultural mobility, and to promote international understanding through a shared academic experience. Successful International Baccalaureate Diploma candidates pursue a specific, intensive, balanced liberal arts course of study and must pass rigorous examinations in seven curricula areas. Successful International Baccalaureate Diploma candidates are typically granted substantial advanced placement credit at the finest colleges and universities in the nation. The academic content and rigor of the instruction and examinations in International Baccalaureate Diploma Programs is governed and continuously monitored by the International Baccalaureate Organization in Geneva, Switzerland.

(b) It is the intent of the Legislature to encourage high schools to offer the intensive, rigorous course of instruction leading to International Baccalaureate Diplomas and to encourage pupils in these schools to enroll in, attempt, and pass the rigorous International Baccalaureate Diploma course of study and the rigorous examinations leading to the International Baccalaureate Diploma.

(c) The Superintendent shall annually update information on the International Baccalaureate Diploma Program available on the department's Internet Web site. The Superintendent also shall provide support to high schools that offer International Baccalaureate (IB) courses to facilitate communication with the Academic Senate for the California Community Colleges, the Academic Senate of the California State University, and the Academic Senate of the University of California about the rigor of those

courses and to ensure that college credit is given to pupils who participate so that they benefit from successful efforts in IB programs.

SEC. 41. Section 52921 of the Education Code is repealed.

SEC. 42. Section 52922 of the Education Code is amended to read:

52922. A school district that offers an International Baccalaureate Diploma Program may help pay the test fees for pupils in need of financial assistance.

SEC. 43. Chapter 17 (commencing with Section 53080) of Part 28 of Division 4 of Title 2 of the Education Code is repealed.

SEC. 44. Chapter 3 (commencing with Section 54300) of Part 29 of Division 4 of Title 2 of the Education Code is repealed.

SEC. 45. Chapter 3.1 (commencing with Section 58520) of Part 31 of Division 4 of Title 2 of the Education Code is repealed.

SEC. 46. Section 60118 of the Education Code is repealed.